

**EAST RAMAPO CENTRAL SCHOOL DISTRICT  
PURCHASING DEPARTMENT  
105 SOUTH MADISON AVENUE  
SPRING VALLEY, NEW YORK 10977**

**REQUEST FOR PROPOSAL**

**RFP-ER-18-23 UNIVERSAL PRE-KINDERGARTEN  
FULL-DAY PROGRAM**

**Proposal documents can be downloaded from the Empire State Purchasing Group at  
<http://www.bidnetdirect.com/new-york> and District Website at  
<http://www.ercsd.org>.**

**Proposal must be submitted any time up until:**

**Date: December 30, 2022**

**Proposal drop off location listed below at any time:**

**East Ramapo Central School District  
Michelle Rivera, Purchasing Agent  
105 South Madison Avenue  
Spring Valley, NY 10977**

**EAST RAMAPO CENTRAL SCHOOL DISTRICT  
PURCHASING DEPARTMENT  
105 SOUTH MADISON AVENUE  
SPRING VALLEY, NEW YORK 10977**

**REQUEST FOR PROPOSAL**

The East Ramapo Central School District hereby invites the submission of sealed Proposals for the following:

**RFP-ER-18-23 UNIVERSAL PRE-KINDERGARTEN FULL-DAY PROGRAM**

Proposals will be physically received on going until December 30, 2022 at the address below:

**East Ramapo Central School District  
Purchasing Office  
105 S. Madison Ave. Spring Valley, NY 10977**

Drop off your proposals anything until December 30, 2022. You do not have to wait for a proposal opening date to drop off your proposals. Proposals will be evaluated ad they come in.

EAST RAMAPO CENTRAL SCHOOL DISTRICT IS NOT RESPONSIBLE FOR PROPOSALS OPENED PRIOR TO THE PROPOSAL OPENING IF PROPOSAL NUMBER AND OPENING DATE DO NOT APPEAR ON THE OUTSIDE OF THE ENVELOPE. PROPOSALS OPENED PRIOR TO THE DATE AND TIME INDICATED ARE INVALID.

THE PROPOSER ASSUMES THE RISK OF ANY DELAY IN THE MAIL OR IN THE HANDLING OF THE MAIL BY EMPLOYEES OF ERCSD, AS WELL AS IMPROPER HAND DELIVERY. Please refer to the General Information/Conditions for details.

The East Ramapo Central School District reserves the right to waive any informalities in the proposals, or to reject all proposals, or to accept any proposal which in the opinion of the Board will be to their best interest.

East Ramapo Central School District  
105 S. Madison Ave.  
Spring Valley, NY 10977

By: Michelle Rivera, Purchasing Agent

## **I. STATEMENT OF PURPOSE**

East Ramapo Central School District invites proposals ("RFP") from qualified community-based organizations (hereinafter "CBO") to provide services to East Ramapo Central School District's Universal Pre- Kindergarten (Pre-K) Program for the 2022-2023 school year, with an option to renew for subsequent school years. East Ramapo CSD is seeking the CBO to provide the site for the program.

## **II. SUBMISSION OF PROPOSAL**

The following are general requirements to which applicants must adhere in response to the RFP:

1. Proposals are to be sent showing the following information on the outside so that they are properly identified. They may be mailed or hand delivered to the following address:

**East Ramapo Central School District - Purchasing Department  
Attn: Michelle Rivera  
105 S. Madison Ave.  
Spring Valley, NY 10977**

**RFP-ER-18-23 UNIVERSAL FULL-DAY PRE-KINDERGARTEN  
PROGRAM**

2. RFP's must be received by East Ramapo Central School District (ERCSD) on an ongoing bases.
3. To facilitate the evaluation process. The applicant is required to submit three (3) copies of the proposal.

## **III. PRE-PROPOSAL QUESTIONS**

All questions must be submitted in writing via e-mail to Michelle Rivera [mriviera@ercsd.org](mailto:mriviera@ercsd.org).

East Ramapo Central School District reserves the right to amend the RFP based on questions and issues raised at any time prior to the RFP submission deadline.

Failure of any Proposer to receive any Addendum or interpretation issued shall not relieve any Proposer from any obligations under his/her Proposal submitted. Only questions answered by formal written Addenda will be binding.

Information obtained from any source other than the aforementioned designated person is not official and may be inaccurate.

#### **IV. CONTRACT TERM**

The contract, once awarded, shall be in effect from September 1, 2022 through June 30, 2023, with an option to renew annually for additional one-year periods, at the discretion of the ERCSD, under the same terms and conditions as mutually agreed by ERCSD and the awarded firm.

Proposals will remain firm for a period of 45 days following the date of the opening, and shall thereafter remain firm until and unless the Proposer provides written notice to the ERCSD, Purchasing Agent that the proposal has been withdrawn.

#### **V. CONTRACT TERM RENEWAL**

The awarded CBOs will notify ERCSD in writing no later than 90 days in advance of the end of term of this Agreement to discuss renewal. Automatic renewal will not be accepted. The awardee understands that funding for the UPK program is subject to NYSED yearly allocation.

#### **VI. NATURE OF SERVICES REQUIRED**

ERCSD is seeking proposals from CBOs to contract with the School District for Universal Pre-Kindergarten, under the United States Department of Education and the United States Department of Health and Human Services in Partnership with the New York State Education Department. The selected Provider(s) will work in collaboration and under the supervision of the District to provide pre-kindergarten placements. The selected Provider(s) are expected to provide a quality program by adopting "best practices" program standards including valid and reliable measures of environmental quality, the quality of teacher-student interactions, and student outcomes.

Successful CBO proposer(s) shall provide Universal Pre-Kindergarten program services consisting of but not limited to, the following:

- A. 5 hours (full day) per day, five days per week program for the four year olds (children born in 2018) for at least 180 days during the 2022-2023 school year.
- B. One or more classrooms with the capacity for 20 students' maximum, with 30 square feet per child for each classroom. CBOs with the capacity to serve 18 students maximum per classroom may be considered, if the 30 square foot requirement per child is met.
- C. Proposers should anticipate a compensation of approximately \$530 per student per month.

- D. The program must be aligned with all school district policies and will meet the requirements of the policies and procedures set forth in Appendix A. The CBO proposer will follow all the regulations and policies regarding Statewide Universal Full Day Prekindergarten Program ("SUFDPK") registration and enrollment.
- E. Teachers must hold a teaching license or certificate valid for service in the early childhood grades. Teachers who are not certified must have a five-year plan that will lead to obtaining NYS teacher certification in Early Childhood Education (Birth - Grade 2). All CBOs who have uncertified teachers providing instruction in a UPK classroom must have an on-site education director who holds a valid NYS teacher certification in either Early Childhood Education (Birth - Grade 2) or Childhood Education (N - Grade 6).
- F. The Selected CBO(s) must be able to screen the new entrants in accordance with New York State Regulations. **Children may not be excluded from the program based on ability, disability or limited English proficiency.**
- G. The CBO will work with ERCSD and/or its designee to align curricula and instruction with NYS Learning Standards for Prekindergarten/ Next Generation Learning Standards during the contracted period.
- H. The CBO will also adopt approved quality indicators of assessment using evidence-based research that is developmentally appropriate.
- I. The CBO will serve food that will meet the Child and Adult Care Food Program, also known as CACFP, requirements. Meals/Snacks need to be provided in an environment conducive to staff/child interaction and appropriate to meet children's needs. There should be sufficient time for eating and interaction and social emotional growth.
- J. The CBO will operate for 180 days, between September and June, and meet the requirement of a minimum 5 hours (full day) per day, per week. Teachers, leaders and staff are expected to participate in school district, or its designee, professional development days especially Superintendent Conference days, a minimum of 2 times a year.
- K. The CBO will help the transition of Pre-Kindergarten students to Kindergarten by providing the following services:
- Strengthen their cognitive skills Increase early literacy skills (reading, writing, speaking, listening and information processing).
  - Increase their creative and artistic abilities.

- Improve inter- and intra-personal skills, feelings of self-worth, and become independent at a developmentally appropriate level.
  - Increase appreciation of diversity and improve understanding of their own heritage and its relationship to self-image and interactions with others.
  - Enhance personal, physical and emotional wellness following the components of NYSED Social Emotional Learning Benchmarks. <http://www.p12.nysed.gov/sss/se1.html>
  - Increase physical skills including fine and gross motor movement, kinesthetic and spatial relationships
  - Encourage parental involvement in their child's education.
  - Ensure parents have ease of utilization and access to program and program services.
  - Integrate preschool children with disabilities.
- L. All individuals providing services to students in the Universal Pre-Kindergarten Program must comply with the New York State Safe Schools against Violence in Education (SAVE) law fingerprinting requirements. All such individuals must be cleared by the New York State Education Department in accordance with the provisions in the SAVE law prior to providing service under the Universal Pre- Kindergarten Program. Proof must be presented to the oversight agency.
- M. The CBO will keep daily attendance records of the UPK program and will provide them bi-monthly to ERCSD.
- N. The CBO will forward all completed Universal Pre-K application forms plus the following proof of residency to the ERCSD - UPK office for each child. Following are the acceptable proofs of residency:
- A current, signed residential lease agreement for property within East Ramapo;
  - A current deed, mortgage document or other proof of ownership of residential property within East Ramapo;
  - A signed statement from a landlord or other property owner where you live in East Ramapo.
  - A current pay stub showing your home address;
  - Your most current income tax return;
  - A current utility bill (electricity, telephone, cable service, etc.).
- O. Universal Pre-Kindergarten regulations specify that the child center cannot charge parents for the portion of its program that is paid for by Universal Pre- Kindergarten funds. As a result, all agencies must send a parent letter, on letterhead, stating the family will not be charged for UPK (5 hours (full day) per day).

## **VII. PROGRAM OVERSIGHT**

ERCSD will have the following responsibilities:

- A. Monitor the resulting contract and provide oversight of the CBO's program and support services.
- B. Will have complete access to the buildings and will make announced and unannounced visits to the sites at any time when the program is in operation.
- C. Will oversee the CBO's program in the implementation of the requirements of the New York State Education Department ("NYSED") through the NYS Health and Safety Checklist and the ECERS - R Rating Scale.
- D. Will provide support or provide guidance in hiring, staff observations and evaluations, if deemed necessary.
- E. Will participate in the development, structure and delivery of instructional services, including program assessment.
- F. Will provide a direct link to the School District Administration for program services' coordination through our Council for Articulation and Transition.
- G. Will unilaterally determine the student selection process for participation in the program.
- H. Will assist, if necessary, with the outreach to find children who are currently not being served in Rockland County.

## **VIII. TRANSPORTATION**

Transportation will not be provided for any UPK students.

## **IX NYSED**

Please review the NYSED site for additional information:

<http://www.p12.nysed.gov/upk/faq.html>

<http://www.p12.nysed.gov/nurseryschool/regulations/NurserySchoolsRegulations.html>

## **X. EVALUATION PROCEDURES**

These proposals are being solicited through a fair and open process. Agencies that are willing to provide the described services as requested above, shall be evaluated on the basis of experience and

qualifications as set forth in the criteria described below.

- 1) Quality of proposed comprehensive UPK Program services.
- 2) General experience in the field, including a detailed narrative which describes how the eligible agency proposes to meet the goals and objectives of the District's UPK program plan.
- 3) Experience and qualifications of the professional staff assigned to the program, which best meets the service requirements as prescribed herein, as well as staffing patterns, child-staff ratio, and administrative structure.
- 4) Submission of cost-effective budget.

Assessment of the CBO Proposers' past and present performance will be one of the means of evaluating the credibility of the Proposal and the relative capability to meet the requirements of the Scope of Services.

Proposals will also be evaluated considering the Proposer's experience with similar projects, knowledge, and the qualifications as well as the full time availability of personnel assigned.

Client reference must be current, representative of similar New York State projects requested in this RFP, and these similar projects must have included the personnel proposed for this project.

The contract award will be made to that responsible Proposer, whose Proposal conforms to the requirements of this RFP, and is considered most advantageous to the School District, considering the Proposal Evaluation criteria in this section. In making the determination of the award, East Ramapo Central School District's decision will be final.

East Ramapo Central School District (ERCSD) reserves the right to: (i) not select any of the applicants; (ii) require applicants to submit to a personal interview and/or submit additional or clarifying information; (iii) to reject any or all proposals; (iv) to waive any informalities in the proposals; and (v) procure the services from other sources if deemed most advantageous to the objectives of the ERCSD.

## **XI. INVESTIGATION OF QUALIFICATIONS**

The work and services described in this Request for Proposals include the performance of activities directly affecting the safety of students and the public generally. The ERCSD may make any investigation necessary to determine the ability of any Proposer to fulfill the Contract, and the Proposer shall furnish the ERCSD with all such information for this purpose as the ERCSD may request.

The ERCSD reserves the right to investigate all references and information submitted by the CBO proposer pursuant to the requirements of these documents. The final selection shall be made at the discretion of the ERCSD based upon all relevant factors.



## XII. INSURANCE REQUIREMENT

- A. Notwithstanding any terms, conditions or provisions, in any other writing between the parties, the CBO proposer hereby agrees to effectuate the naming of the East Ramapo Central School District as an unrestricted additional insured on the proposer's insurance policies, with the exception of workers' compensation and professional liability. If the policy is written on a claims-made basis, the retroactive date must precede the date of the contract.
- B. The policy naming the East Ramapo Central School District as an additional insured shall:
- Be from an A.M. Best rated "secured" insurer, authorized to conduct business in New York State.
  - Contain a 30-day notice of cancellation.
  - State that the organization's coverage shall be primary coverage for the East Ramapo Central School District, its Board, employees and volunteers.

The East Ramapo Central School District shall be listed as an additional insured by using endorsement CG 2026 or broader. The certificate must state that this endorsement is being used. If another endorsement is used, a copy shall be included with the certificate of insurance.

- C. The proposer agrees to indemnify the East Ramapo Central School District for any applicable deductibles.
- D. Required Insurance:
- **Commercial General Liability Insurance**  
\$1,000,000 per occurrence/ \$2,000,000 aggregate; \$1,000,000 coverage for sexual misconduct.
  - **Automobile Liability**  
\$1,000,000 combined single limit for owned, hired and borrowed and non-owned motor vehicles.
  - **Workers' Compensation and N.Y.S. Disability**  
Statutory Workers' Compensation, Employers' Liability and N.Y.S. Disability Benefits Insurance for all employees.
  - **Professional Errors and Omissions Insurance**  
\$1,000,000 per occurrence/ \$2,000,000 aggregate for the professional acts of the consultant performed under the contract for the ERCSD. If written on a "claims-made" basis, the retroactive date must pre-date the inception of the contract or agreement. Coverage shall remain in effect for two years following the completion of work.

- **Excess insurance**  
On a "Follow-Form" basis, with limits of \$3,000,000 each occurrence and aggregate.
- **Daycare Providers E & O Insurance**  
\$1,000,000 each occurrence and aggregate. Coverage for the errors and omissions of the board, administrators and employees.

E. Proposer acknowledges that failure to obtain such insurance on behalf of the ERCSD constitutes a material breach of contract. The contracted vendor is to provide the ERCSD with a certificate of insurance, evidencing the above requirements have been met, prior to the commencement of work or use of facilities. The failure of the ERCSD to object to the contents of the certificate or the absence of the same shall not be deemed a waiver of any and all rights held by the ERCSD. The ERCSD is a member/owner of the NY Schools Insurance Reciprocal (NYSIR). The proposer further acknowledges that the procurement of such insurance as required herein is intended to benefit not only the ERCSD but also the NYSIR, as the ERCSD's insurer.

### **XIII. ANTICIPATED PROPOSAL TIMELINE**

The following is a list of key dates up to and including the date proposals are to be submitted:

- Request for proposals issued: Friday, September 9, 2022
- Submission of proposals: Friday December 30, 2022
- Contracts awarded on a continuing basis at any time.

### **XIV. PROPOSAL REQUIREMENTS**

The purpose of the proposal is to demonstrate the qualifications, competence and capacity of the CBO seeking to provide the service of a Universal Pre- Kindergarten (UPK) Program. The substance of proposals will carry more weight than their form or manner of presentation. The proposal should demonstrate the qualifications of the CBO and of the particular staff to be assigned to this engagement. The proposal should be prepared simply and economically, providing a straightforward, concise description of the proposing CBO's capabilities to satisfy the requirements of the request for proposal.

The proposers are solely responsible for ensuring that the proposal is received by the Purchasing Agent during the time and date set forth herein. The entire responding proposal to the request shall be placed in a sealed envelope marked with the words: "RFB-ER-18-33 PROPOSAL FOR the UNIVERSAL PRE-KINDERGARTEN PROGRAM."

ERCSD- Purchasing Department

Attn: Michelle Rivera

105 S. Madison Ave.

Spring Valley, NY 10977

**Proposal Content:** The proposal package shall include the following items:

One (1) original, three (3) copies

- Title Page showing the RFP's subject; the CBO's name; the name, address and telephone number of a contact person; and the date of the proposal.
- A signed letter of transmittal that briefly states the proposer's understanding of the work to be done, the commitment to perform the work within the time period, a statement why the CBO believes itself to be qualified to perform the engagement, and a statement that the proposal is a firm offer to provide the service of administering the Universal Pre-Kindergarten program for the 2022-2023 school year with an option to annually renew for subsequent school years.
- Disclosure and description of any disciplinary proceedings or violations pending against the CBO in any jurisdiction or whether discipline has been previously imposed against the CBO in any jurisdiction. If discipline has previously been imposed, state the date, jurisdiction, nature of the ethics violation and the penalty imposed. If proceedings are pending, specify the jurisdiction, the charges and the likely time of their disposition. Include details of how the issue was resolved.
- Disclosure and description of any arrests or convictions against any members of the CBO.
- Assurance of ability to provide executed copies of the Certificates of Insurances.
- Describe the proposed site(s) including the street address, number of classrooms, and square footage.

The following documents must be included in the submittal:

1. Certificate of Occupancy
2. Certificate of Compliance Fire Safety or NYS Fire Inspection Report
3. Copy of purchase deed, if property is owned by the CBO; or Memorandum of Agreement/Lease for CBO with property owner, if the property is being leased
4. A completed CBO Information Form {See Appendix B}.
5. A completed Non-Collusive Certification (See Appendix C).
6. A completed Non-Collusive Resolution (Required for Corporations) (See Appendix D).
7. A completed Proposer Warranties (See Appendix E}.
8. A completed and notarized Hold Harmless Agreement (See Appendix F)
9. A completed Iran Divestment Act Certification (See Appendix G}
10. A completed W-9 form.

## **XV. TECHNICAL PROPOSAL REQUIREMENTS**

Each proposer shall respond to each section to the descriptors located in the body of this document in order to detail how your organization will meet the goals and objectives of the East Ramapo Central

## School District Universal Pre- Kindergarten Program.

### **A. CBO Background:**

Detail CBO's history in providing quality early childhood programs along with information regarding services provided to children with disabilities and children with limited English proficiency.

### **B. Pre-Kindergarten Services:**

1. How the CBO will meet the goals and objectives of the Pre-Kindergarten Program and help children in their transition to Kindergarten, including description of the curriculum.
2. Describe the details of your room arrangement for the proposed UPK classroom(s) and the outdoor play area, including the equipment and apparatuses available to the children. Include a sketch or a floor plan that illustrates these classroom details and a sketch of the outdoor play area.
3. Describe the CBO's student screening process and how the screening data are used.
4. Detail how a student's progress will be documented by assessments, and how the assessment data will be used to drive instruction.
5. Detail the CBO's meal plan.
6. Describe the ease of utilization and accessibility of the program to parents and/or guardians.
7. Describe the early childhood services the CBO would provide through the Universal Pre-Kindergarten program and how they will meet the following required components of Part 151 of the regulations of the Commissioner of Education and the NYS Early Learning Standards.
  - Provide support services to students and families such as social and health related services.
  - The on-going staff development opportunities in which the Universal Pre-Kindergarten staff would be engaged.
  - How many students the organization can provide services for
  - How many classrooms the organization can support
  - How many hours per day the Pre-Kindergarten Program can operate
8. How the proposed program will meet all applicable health and safety codes and licensure requirements (including the New York State Uniform Fire Prevention and Building Code).
9. Detail the CBO's standards and procedures for ensuring appropriate sanitation and custodial services.

10. Describe the collaborative relationship the CBO proposes to have with the ERCSD, with families, and with community organizations. If applicable, provide a copy of your CBO parent handbook.
11. Resume and detailed work experience of the Program Director/Administrator.

**C. Program Staffing:**

1. Explain the administrative structure of the CBO and how records are managed within the CBO. Describe documentation procedures followed by the CBO.
2. Describe the supervisory structure for the proposed Pre-Kindergarten services. Include detailed resumes of all staff that will be assigned to this contract.
3. Describe the process for coverage or substitution of staff as well as the ability of the organization to fill vacancies in a timely manner.

**D. Program Budget:**

Note: Parents cannot be charged a fee for participation in the Universal Pre-Kindergarten Program.

1. Provide a spreadsheet detailing all the program costs including but not limited to professional salaries, support staff salaries, purchased services, supplies and materials, equipment, travel expenses, employee benefits, and indirect costs.
2. Detail any local matching funds to be used to support the Universal Pre- kindergarten program.

**XVI. EVALUATION PROCEDURES**

These proposals are being solicited through a fair and open process. Agencies that are willing to provide the described services as requested above, shall be evaluated on the basis of experience and qualifications as set forth in the criteria described below.

1. Quality of proposed comprehensive UPK Program services.
2. General experience in the field, including a detailed narrative which describes how the eligible agency proposes to meet the goals and objectives of the District's UPK program plan;
3. Experience and qualifications of the professional staff assigned to the program, which most closely match the needs of the ERCSD, as well as staffing patterns, child-staff

ratio, and administrative structure.

4. Submission of cost effective budget.

ERCSD's determination shall be final and conclusive. The awardee's contract shall be approved by majority vote of the Board of Education on a resolution at an open public meeting. No applicant shall cause or influence, or attempt to cause or influence, any District official, officer or employee to secure unwarranted privileges or advantages.

During the evaluation process, ERCSD or its designee, may, at its discretion, request any one or all agencies to make oral presentations. Such presentations will provide agencies with an opportunity to answer any questions the evaluators may have regarding the CBO's proposal. Not all agencies may be asked to make such oral presentations.

ERCSD reserves the right without prejudice to reject any or all proposals.

## **XVII. TERMS OF ENGAGEMENT**

A one (1) year engagement in the 2022-2023 school year, with the option to renew annually for subsequent school years, at the Board's option, is contemplated by the Board of Education according to the terms listed above.

END OF SECTION

## Appendix A

### RFP-ER-18-23 UNIVERSAL PRE-KINDERGARTEN FULL-DAY PROGRAM UPK Program POLICIES AND PROCEDURE

#### **1. Facility Quality:**

The CBO will provide a facility that is well maintained, clean and safe. There will be adequate space for outdoor play with appropriately maintained equipment. The bathrooms will be immediately accessible and barrier free. The classrooms will be arranged into learning areas/centers and allow for the safe movement and activity for the number of students enrolled. Inspections will be made regularly by the ERCSD, and areas in need of correction will be addressed in a timely manner. All buildings, premises, equipment and furnishing used for the Universal Pre-Kindergarten program shall be safe and suitable for the comfort and care of the students, shall comply with all applicable requirements of the Americans with Disabilities Act and shall be provided and maintained in a state of good repair and sanitation. Buildings and classrooms operated by eligible agencies shall meet all applicable fire, safety and building codes. Section 151.1.10 of the Regulations of the Commissioner of Education sets forth the requirements which must be met by all facilities used for Universal Pre-Kindergarten classes.

#### **2. Curriculum and Instruction:**

The CBO will follow the early childhood curriculum currently used by either UPK sites in the ERCSD - The Creative Curriculum. The CBO will develop curriculum maps and units to provide for an age and developmentally appropriate curriculum and activities that are learner-centered and play-based.

#### **3. Screening and Assessment:**

**Initial Screening:** The CBO will administer an approved screening to each student at the beginning of each school year. The results of this screening will be used to determine if a referral to the ERCSD's Committee for Pre-School Special Education ("CPSE") is appropriate, and to identify if additional supports are necessary. In addition,

**Learning Assessment:** The CBO will administer the approved curriculum-based assessment two times per school year - specifically in the winter and spring.

#### **4. Ensuring Continuity of Instruction and Transition to School-Age Programs:**

With guidance from the ERCSD, the CBO will provide information to parents regarding the Pre-Kindergarten to Kindergarten transition process either through parent workshops or parent meetings.

**5. Identification, Inclusion, and Support of Students with Special Needs:**

The CBO will assure that students with disabilities participate in regular education activities unless otherwise indicated in the students' Individualized Education Program ("IEP") and that accommodations are made, as needed. The CBO will use the results of the screening assessment, classroom observations, and teacher or parental concerns to identify children who may require a referral to the CPSE. The CBO will work with parents and the ERCSD to make referrals for testing and services.

**6. Inclusion, instruction, and Support of English Language Learners:**

The CBO will support diversity, parent involvement and the retention/promotion of a student's home language as he/she progresses toward English learning. As much as is practicable, the CBO will provide oral and written communication to parents/families in their preferred language. The CBO will provide opportunities for students' literacy development in the home language, while also promoting acquisition of English in an inclusive classroom setting. The CBO will ensure that the developmental and social emotional screening processes, and the provision of special services for students, are inclusive and respectful of their language and culture.

**7. Staffing:**

All CBO UPK teachers must possess a teaching license or certificate valid for services in the early childhood grades or be in compliance with the NYSED section 151-1.3 regulation. The CBO must have at least one teacher and one teaching assistant or teacher aide working in each UPK classroom. If there are more than 18 children in a UPK classroom, there must be one additional teacher assistant or teacher aide working in that classroom. No UPK classroom will have more than 20 children.

**8. Professional Development:**

To support continuity from Pre-K to grades K-3, CBO UPK teachers and teaching assistants will be encouraged to attend relevant grades K-3 professional development activities. The ERCSD will provide Pre-K specific professional development each year. The CBO is responsible for tracking the professional development hours attended by each teacher and assistant(s).

**Family Engagement and Support:**

The CBO will provide parents with opportunities to gain an understanding of the Universal Prekindergarten Program and curriculum, participate in parent education programs, understand the process of applying for kindergarten and provide written feedback about the program in the form of an end-of-year questionnaire/survey. Written communication to parents will be provided in the parents' native language when possible.



**9. Physical Well-being and Health:**

The CBO will ensure a daily healthy snack and lunch is available for each student. Teaching staff will sit with and actively engage with children during meal time. The CBO will provide adequate time for daily outdoor play as weather permits.

**10. Partnerships with Community, Non-profit, and Educational Institutions:**

The CBO will make efforts with various community/non-profit organizations and educational institutions to form partnerships that will result in field trips, guest speakers/events, etc. to benefit the academic, social and emotional needs of UPK students.

**11. Program Oversight and Fiscal Management:**

The CBO must comply with all fiscal requirements including: creating an annual budget that will be submitted and approved by the ERCSD, maintaining income and expense reports supported by detailed invoices, and any other financial and programmatic records that detail allocation of the UPK Grant funds. The CBO will maintain a UPK Grant budget that is separate from all other funding sources. The CBO will have processes and systems in place to safeguard against supplanting or commingling funds.

## Appendix B

### RFP-ER-18-23 UNIVERSAL PRE-KINDERGARTEN FULL-DAY PROGRAM

#### CBO INFORMATION

CBO's Name:
Address:
Telephone:
<b>Fax:</b>
E-mail Address:
Web/blog site address:
Contact Person and Title:
Type of Organization: <input type="checkbox"/> Public Institution <input type="checkbox"/> Private Non Profit <input type="checkbox"/> Private Profit <i>Please attach proof of organizational status(e.g. 501©(3) IRS letter)</i>
Statement of the Organization's Mission:
Chief Executive Officer:
Signature of Chief Executive Officer:

## Appendix B

### CBO REFERENCE FORM

CBO NAME: \_\_\_\_\_

**Please list (3) three references that your CBO has serviced in a manner similar in scope to the specifications contained in this Proposal. References are part of the Proposal Documents and failure to supply these references may result in the rejection of your proposal.**

1. School District/Public

Sector: \_\_\_\_\_

Contact Name/Title: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone \_\_\_\_\_ Email \_\_\_\_\_

Date(s) of Service: \_\_\_\_\_

2. School District/Public

Sector: \_\_\_\_\_

Contact Name/Title: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone \_\_\_\_\_ Email \_\_\_\_\_

Date(s) of Service: \_\_\_\_\_

3. School District/Public

Sector: \_\_\_\_\_

Contact Name/Title: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone \_\_\_\_\_ Email \_\_\_\_\_

Date(s) of Service: \_\_\_\_\_

Have you *ever* failed to complete any contract awarded to you? If so, when, where and why? \_\_\_\_\_

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Have liens or lawsuits of any kind ever been filed against you or any officer, director or partner of your organization, arising out of any of your contracts: \_\_\_\_\_

If so, give details.....

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**RFP-ER-18-23 UNIVERSAL PRE-KINDERGARTEN**

**A NON-COLLUSIVE BIDDING CERTIFICATION**

The following statement is made pursuant to Section 103-D of the General Municipal Law, as amended by Chapter 675 of the Laws of 1966, and Section 139-D of the State Finance Law, as amended by Chapter 675 of the Laws of 1966, and Section 2604 of the Public Authorities Law, as amended by Chapter 675 of the Laws of 1966.

By submission of this bid proposal, the bidder certifies that he/she is complying with Section 103-D of the General Municipal Law as follows: Statement of non-collusion in bids and proposals to political subdivisions of the state: Every bid or proposal hereafter made to a political subdivision of the state of any public department, agency or official thereof where competitive bidding is required by statute, rule, regulation, or local law for work or services performed or to be performed or goods sold or to be sold, shall contain the following statement subscribed by the bidder and affirmed by such bidder as true under the penalties of perjury:

Non-Collusive Bidding Certification:

a) By Submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid, each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief:

- 1) The prices in this bid have been arrived at independently without collusion, consultation, communication or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor.
- 2) Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and
- 3) No attempt has been made or will be made by the bidder to induce any other person, partnership, or corporation to submit or not to submit a bid for the purpose of restricting competition.

b) A bid shall not be considered for award nor shall any award be made where (a) (1) (2) and (3) above have not been complied with, provided however, that if in any case the Bidder cannot make the forgoing certification, the Bidder shall so state and shall furnish with the bid a signed statement which sets forth in detail the reason therefore. Where (a) (1) (2) and (3) have not been complied with, the bid shall not be considered for award nor shall any award be made unless the head of the purchasing unit of the political subdivision, public department, agency or official thereof to which the bid is made, or his/her designee, determines that such disclosure was not made for the purpose of restricting competition. The fact that a Bidder has (a) published price lists, rates or tariffs covering items being procured, (b) informed prospective customers of proposed or pending publications of

revised price lists for such items or (c) sold the same items to other customers at the same prices being bid, does not constitute, without a disclosure within the meaning of subparagraph one (a). Any bid hereafter made to any political subdivision of the state or any public department, agency or official thereof by a corporate bidder for work or services performed or goods sold or to be sold, where competitive bidding is required by statute, rule, regulation or local law, and where such bid contains the certification referred to in subdivision II of this section, shall be deemed to have authorized by the board of directors of the bidder, and such authorization shall be deemed to include the signing and submission of the bid and the inclusion therein of the certificate as to non-collusion as the act and deed of the corporation.

The undersigned hereby acknowledges receipt of the following Addenda and other authorized modifications to the contract documents, but agrees to be bound by all such modifications whether listed herein or not

Addendum No.1 dated. \_\_\_\_\_ through Addendum No. \_\_\_\_\_ dated \_\_\_\_\_

**The bidder affirms the above statements are true under the penalties of perjury.**

*Name (please print)* \_\_\_\_\_ *Signature* \_\_\_\_\_

**RFP-ER-18-23 UNIVERSAL PRE-KINDERGARTEN  
RESOLUTION - FOR CORPORATE BIDDERS ONLY**

RESOLVED THAT be authorized to sign and submit the bid or proposal of this corporation for the following project:

\_\_\_\_\_

**Describe the project**

And to include in such bid or proposal the certificate as to non-collusion required by SECTION ONE HUNDRED THREE - D of the General Municipal Law as the act and deed of such corporation and for any inaccuracies or misstatements in such certificate this corporate bidder shall be liable under the penalties of perjury.

The foregoing is a true and correct copy of the resolution adopted by;

\_\_\_\_\_

Corporation at a meeting of its Board of directors held on the \_\_\_\_\_ day of \_\_\_\_\_ and is still in full force and effect this day of:

\_\_\_\_\_

(Seal of Corporation)

\_\_\_\_\_

\_\_\_\_\_

(Secretary)

East Ramapo Central School District

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Appendix E

**RFP-ER-18-23 UNIVERSAL PRE-KINDERGARTEN**

**PROPOSER WARRANTIES AND CERTIFICATION**

- A. We warrant that we are willing and able to comply with State of New York laws and regulations.
- B. We are willing and able to obtain an error and omissions insurance policy providing a prudent amount of coverage for the willful or negligent acts, or omissions of any officers, employees or agents thereof.
- C. We will not delegate or subcontract our responsibilities under an agreement without the express prior written permission of the East Ramapo Central School District.
- D. We warrant that all information provided by us in connection with this proposal are true and accurate.
- E. We warrant that we have read the Request for Proposal (RFP) to provide the service of administering East Ramapo UPK Pre-Kindergarten Program and fully understand its intent. We certify that we have adequate personnel, equipment, and facilities to fulfill the requirements thereto. We understand that our ability to meet the criteria and provide the required services shall be reviewed by the ERCSD, which will develop a recommendation for the Board of Education's consideration regarding the selection of the most advantageous agency proposal.
- F. We understand that all information included in, attached to, or required by this RFP shall become public record upon delivery to the ERCSD. We certify that the completion of the Proposal is a binding commitment to provide the service of administering the ERCSD's UPK Program requested as proposed herein.
- G. We certify, under penalty of perjury, that our agency has implemented written policy addressing sexual harassment prevention in the workplace and provides annual sexual harassment training to all of our employees. Such policy shall, at a minimum, meet the requirements of Section 201-g of the NYS Labor Law.

Firm's Name:  
Address:  
City, State, Zip:

(Print Name): (Signature):  
(Phone):

(Fax):



RFP-ER-18-23 PRE-KINDERGARTEN

**HOLD HARMLESS AGREEMENT**

(This form must be signed and notarized)

It is hereby agreed and understood that the contractor agrees to hold harmless and indemnify the ERCSD, or any officer, agent servant, or employee of the ERCSD from any lawsuit, action, proceeding liability, judgment, claim or demand which may arise out of:

- A. Any injury to person or property sustained by the contractor, its agents, servants or employees or by any person, firm, or corporation employed directly or indirectly by them upon or in connection with their performance under the contract, however caused;
- B. Any injury to person or property sustained by any person, firm, or corporation, caused by any act, default, error or omission of the contractor, its agents, servants, or employees or any person, firm or corporation, directly or indirectly employed by them upon or in connection with performance under the contract.

The assumption of indemnity, liability and loss hereunder shall survive contractor's completion of service or other performance hereunder and any termination of this contract.

The contractor at its own expense and risk shall defend any legal proceedings that may be brought against the ERCSD, or any officer, agent, servant, or employee of ERCSD on any claim or demand, and shall satisfy any judgment that may be rendered against the ERCSD, or any officer, agent, servant, or employee of the ERCSD.

This Indemnification, Defense and Hold Harmless Agreement shall apply to any lawsuit, action, proceeding, liability, judgment, claim or demand, of whatever name or nature, notwithstanding that Dealer may deem the same to be frivolous or without merit. It is intended that this Agreement be interpreted in the broadest manner possible so as to insulate all of the entities, parties and individuals named above from any liability, cost or judgment, monetary or otherwise, as the same may relate to the personnel and services provided by the Dealer.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Affirmed to me this \_\_\_\_\_ day of \_\_\_\_\_, 2022

Notary Signature: \_\_\_\_\_ Date: \_\_\_\_\_



## RFP-ER-18-23 UNIVERSAL PRE-KINDERGARTEN

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### IRAN DIVESTMENT ACT CERTIFICATION

As a result of the Iran Divestment Act of 2012 (Act), Chapter 1 of the 2012 Laws of New York, a new provision has been added to the State Finance Law (SFL), § 165-a, effective April 12, 2012. Under the Act, the Commissioner of the Office of General Services (OGS) will be developing a list (prohibited entities list) of "persons" who are engaged in "investment activities in Iran" (both are defined terms in the law). Pursuant to SFL § 165-a(3)(b), the initial list is expected to be issued no later than 120 days after the Act's effective date, at which time it will be posted on the OGS website.

By submitting a Request for Proposal (RFP) in response to this solicitation or by assuming the responsibility of a Contract awarded hereunder, Proposer/Contractor (or any assignee) certifies that once the prohibited entities list is posted on the OGS website, it will not utilize on such Contract any subcontractor that is identified on the prohibited entities list.

Additionally, Proposer/Contractor is advised that once the list is posted on the OGS website, any Contractor seeking to renew or extend a Contract or assume the responsibility of a Contract awarded in response to the solicitation, must certify at the time the Contract is renewed, extended or assigned that it is not included on the prohibited entities list.

During the term of the Contract, should the ERCSD receive information that a person is in violation of the above-referenced certification, the ERCSD will offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment which is in violation of the Act within 90 days after the determination of such violation, then the ERCSD shall take such action as may be appropriate including, but not limited to, imposing sanctions, seeking compliance, recovering damages, or declaring the Contractor in default.

The ERCSD reserves the right to reject any proposal or request for assignment for an entity that appears on the prohibited entities list prior to the award of a contract, and to pursue a responsibility review with respect to any entity that is awarded a contract and appears on the prohibited entities list after contract award.

Signature: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Company Name: \_\_\_\_\_  
Date: \_\_\_\_\_

- All RFPs must be accompanied with a completed W-9 using the link below

[Form W-9 \(Rev. October 2018\) - Internal Revenue Service](#)

## Request for Taxpayer Identification Number and Certification

**Give Form to the  
requester. Do not  
send to the IRS.**

▶ Go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9) for instructions and the latest information.

Print or type. See Specific Instructions on page 3.	1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.		
	2 Business name/disregarded entity name, if different from above		
	3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.		4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):
	<input type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate		Exempt payee code (if any) _____
	<input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ _____ <small>Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.</small>		Exemption from FATCA reporting code (if any) _____
	<input type="checkbox"/> Other (see instructions) ▶ _____		<small>(Applies to accounts maintained outside the U.S.)</small>
	5 Address (number, street, and apt. or suite no.) See instructions.		Requester's name and address (optional)
6 City, state, and ZIP code			
7 List account number(s) here (optional)			

**Part I Taxpayer Identification Number (TIN)**

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

**Note:** If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

<b>Social security number</b>					
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%; border: 1px solid black; height: 20px;"></td> <td style="width: 5%; text-align: center;">-</td> <td style="width: 25%; border: 1px solid black; height: 20px;"></td> <td style="width: 5%; text-align: center;">-</td> <td style="width: 40%; border: 1px solid black; height: 20px;"></td> </tr> </table>		-		-	
	-		-		
<b>or</b>					
<b>Employer identification number</b>					
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%; border: 1px solid black; height: 20px;"></td> <td style="width: 5%; text-align: center;">-</td> <td style="width: 70%; border: 1px solid black; height: 20px;"></td> </tr> </table>		-			
	-				

**Part II Certification**

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

<b>Sign Here</b>	Signature of U.S. person ▶	Date ▶
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### General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

**Future developments.** For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9).

### Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

*If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.*

By signing the filled-out form, you:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting*, later, for further information.

**Note:** If you are a U.S. person and a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

**Definition of a U.S. person.** For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien;
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States;
- An estate (other than a foreign estate); or
- A domestic trust (as defined in Regulations section 301.7701-7).

**Special rules for partnerships.** Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax under section 1446 on any foreign partners' share of effectively connected taxable income from such business. Further, in certain cases where a Form W-9 has not been received, the rules under section 1446 require a partnership to presume that a partner is a foreign person, and pay the section 1446 withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid section 1446 withholding on your share of partnership income.

In the cases below, the following person must give Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States.

- In the case of a disregarded entity with a U.S. owner, the U.S. owner of the disregarded entity and not the entity;
- In the case of a grantor trust with a U.S. grantor or other U.S. owner, generally, the U.S. grantor or other U.S. owner of the grantor trust and not the trust; and
- In the case of a U.S. trust (other than a grantor trust), the U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

**Foreign person.** If you are a foreign person or the U.S. branch of a foreign bank that has elected to be treated as a U.S. person, do not use Form W-9. Instead, use the appropriate Form W-8 or Form 8233 (see Pub. 515, *Withholding of Tax on Nonresident Aliens and Foreign Entities*).

**Nonresident alien who becomes a resident alien.** Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items.

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

**Example.** Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity, give the requester the appropriate completed Form W-8 or Form 8233.

## Backup Withholding

**What is backup withholding?** Persons making certain payments to you must under certain conditions withhold and pay to the IRS 24% of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, payments made in settlement of payment card and third party network transactions, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

**Payments you receive will be subject to backup withholding if:**

1. You do not furnish your TIN to the requester,
2. You do not certify your TIN when required (see the instructions for Part II for details),
3. The IRS tells the requester that you furnished an incorrect TIN,
4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or
5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See *Exempt payee code*, later, and the separate Instructions for the Requester of Form W-9 for more information.

Also see *Special rules for partnerships*, earlier.

## What is FATCA Reporting?

The Foreign Account Tax Compliance Act (FATCA) requires a participating foreign financial institution to report all United States account holders that are specified United States persons. Certain payees are exempt from FATCA reporting. See *Exemption from FATCA reporting code*, later, and the Instructions for the Requester of Form W-9 for more information.

## Updating Your Information

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you no longer are tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account; for example, if the grantor of a grantor trust dies.

## Penalties

**Failure to furnish TIN.** If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

**Civil penalty for false information with respect to withholding.** If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

**Criminal penalty for falsifying information.** Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

**Misuse of TINs.** If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

## Specific Instructions

### Line 1

You must enter one of the following on this line; **do not** leave this line blank. The name should match the name on your tax return.

If this Form W-9 is for a joint account (other than an account maintained by a foreign financial institution (FFI)), list first, and then circle, the name of the person or entity whose number you entered in Part I of Form W-9. If you are providing Form W-9 to an FFI to document a joint account, each holder of the account that is a U.S. person must provide a Form W-9.

a. **Individual.** Generally, enter the name shown on your tax return. If you have changed your last name without informing the Social Security Administration (SSA) of the name change, enter your first name, the last name as shown on your social security card, and your new last name.

**Note: ITIN applicant:** Enter your individual name as it was entered on your Form W-7 application, line 1a. This should also be the same as the name you entered on the Form 1040/1040A/1040EZ you filed with your application.

b. **Sole proprietor or single-member LLC.** Enter your individual name as shown on your 1040/1040A/1040EZ on line 1. You may enter your business, trade, or "doing business as" (DBA) name on line 2.

c. **Partnership, LLC that is not a single-member LLC, C corporation, or S corporation.** Enter the entity's name as shown on the entity's tax return on line 1 and any business, trade, or DBA name on line 2.

d. **Other entities.** Enter your name as shown on required U.S. federal tax documents on line 1. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on line 2.

e. **Disregarded entity.** For U.S. federal tax purposes, an entity that is disregarded as an entity separate from its owner is treated as a "disregarded entity." See Regulations section 301.7701-2(c)(2)(iii). Enter the owner's name on line 1. The name of the entity entered on line 1 should never be a disregarded entity. The name on line 1 should be the name shown on the income tax return on which the income should be reported. For example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a single owner that is a U.S. person, the U.S. owner's name is required to be provided on line 1. If the direct owner of the entity is also a disregarded entity, enter the first owner that is not disregarded for federal tax purposes. Enter the disregarded entity's name on line 2, "Business name/disregarded entity name." If the owner of the disregarded entity is a foreign person, the owner must complete an appropriate Form W-8 instead of a Form W-9. This is the case even if the foreign person has a U.S. TIN.

### Line 2

If you have a business name, trade name, DBA name, or disregarded entity name, you may enter it on line 2.

### Line 3

Check the appropriate box on line 3 for the U.S. federal tax classification of the person whose name is entered on line 1. Check only one box on line 3.

IF the entity/person on line 1 is a(n) . . .	THEN check the box for . . .
• Corporation	Corporation
• Individual • Sole proprietorship, or • Single-member limited liability company (LLC) owned by an individual and disregarded for U.S. federal tax purposes.	Individual/sole proprietor or single-member LLC
• LLC treated as a partnership for U.S. federal tax purposes, • LLC that has filed Form 8832 or 2553 to be taxed as a corporation, or • LLC that is disregarded as an entity separate from its owner but the owner is another LLC that is not disregarded for U.S. federal tax purposes.	Limited liability company and enter the appropriate tax classification. (P= Partnership; C= C corporation; or S= S corporation)
• Partnership	Partnership
• Trust/estate	Trust/estate

### Line 4, Exemptions

If you are exempt from backup withholding and/or FATCA reporting, enter in the appropriate space on line 4 any code(s) that may apply to you.

#### Exempt payee code.

- Generally, individuals (including sole proprietors) are not exempt from backup withholding.
- Except as provided below, corporations are exempt from backup withholding for certain payments, including interest and dividends.
- Corporations are not exempt from backup withholding for payments made in settlement of payment card or third party network transactions.
- Corporations are not exempt from backup withholding with respect to attorneys' fees or gross proceeds paid to attorneys, and corporations that provide medical or health care services are not exempt with respect to payments reportable on Form 1099-MISC.

The following codes identify payees that are exempt from backup withholding. Enter the appropriate code in the space in line 4.

- 1—An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2)
- 2—The United States or any of its agencies or instrumentalities
- 3—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities
- 4—A foreign government or any of its political subdivisions, agencies, or instrumentalities
- 5—A corporation
- 6—A dealer in securities or commodities required to register in the United States, the District of Columbia, or a U.S. commonwealth or possession
- 7—A futures commission merchant registered with the Commodity Futures Trading Commission
- 8—A real estate investment trust
- 9—An entity registered at all times during the tax year under the Investment Company Act of 1940
- 10—A common trust fund operated by a bank under section 584(a)
- 11—A financial institution
- 12—A middleman known in the investment community as a nominee or custodian
- 13—A trust exempt from tax under section 664 or described in section 4947



The following chart shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 13.

IF the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt payees except for 7
Broker transactions	Exempt payees 1 through 4 and 6 through 11 and all C corporations. S corporations must not enter an exempt payee code because they are exempt only for sales of noncovered securities acquired prior to 2012.
Barter exchange transactions and patronage dividends	Exempt payees 1 through 4
Payments over \$600 required to be reported and direct sales over \$5,000 <sup>1</sup>	Generally, exempt payees 1 through 5 <sup>2</sup>
Payments made in settlement of payment card or third party network transactions	Exempt payees 1 through 4

<sup>1</sup> See Form 1099-MISC, Miscellaneous Income, and its instructions.

<sup>2</sup> However, the following payments made to a corporation and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, gross proceeds paid to an attorney reportable under section 6045(f), and payments for services paid by a federal executive agency.

**Exemption from FATCA reporting code.** The following codes identify payees that are exempt from reporting under FATCA. These codes apply to persons submitting this form for accounts maintained outside of the United States by certain foreign financial institutions. Therefore, if you are only submitting this form for an account you hold in the United States, you may leave this field blank. Consult with the person requesting this form if you are uncertain if the financial institution is subject to these requirements. A requester may indicate that a code is not required by providing you with a Form W-9 with "Not Applicable" (or any similar indication) written or printed on the line for a FATCA exemption code.

A—An organization exempt from tax under section 501(a) or any individual retirement plan as defined in section 7701(a)(37)

B—The United States or any of its agencies or instrumentalities

C—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities

D—A corporation the stock of which is regularly traded on one or more established securities markets, as described in Regulations section 1.1472-1(c)(1)(i)

E—A corporation that is a member of the same expanded affiliated group as a corporation described in Regulations section 1.1472-1(c)(1)(i)

F—A dealer in securities, commodities, or derivative financial instruments (including notional principal contracts, futures, forwards, and options) that is registered as such under the laws of the United States or any state

G—A real estate investment trust

H—A regulated investment company as defined in section 851 or an entity registered at all times during the tax year under the Investment Company Act of 1940

I—A common trust fund as defined in section 584(a)

J—A bank as defined in section 581

K—A broker

L—A trust exempt from tax under section 664 or described in section 4947(a)(1)

M—A tax exempt trust under a section 403(b) plan or section 457(g) plan

**Note:** You may wish to consult with the financial institution requesting this form to determine whether the FATCA code and/or exempt payee code should be completed.

### Line 5

Enter your address (number, street, and apartment or suite number). This is where the requester of this Form W-9 will mail your information returns. If this address differs from the one the requester already has on file, write NEW at the top. If a new address is provided, there is still a chance the old address will be used until the payor changes your address in their records.

### Line 6

Enter your city, state, and ZIP code.

## Part I. Taxpayer Identification Number (TIN)

**Enter your TIN in the appropriate box.** If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN.

If you are a single-member LLC that is disregarded as an entity separate from its owner, enter the owner's SSN (or EIN, if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

**Note:** See *What Name and Number To Give the Requester*, later, for further clarification of name and TIN combinations.

**How to get a TIN.** If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local SSA office or get this form online at [www.SSA.gov](http://www.SSA.gov). You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at [www.irs.gov/Businesses](http://www.irs.gov/Businesses) and clicking on Employer Identification Number (EIN) under Starting a Business. Go to [www.irs.gov/Forms](http://www.irs.gov/Forms) to view, download, or print Form W-7 and/or Form SS-4. Or, you can go to [www.irs.gov/OrderForms](http://www.irs.gov/OrderForms) to place an order and have Form W-7 and/or SS-4 mailed to you within 10 business days.

If you are asked to complete Form W-9 but do not have a TIN, apply for a TIN and write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

**Note:** Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

**Caution:** A disregarded U.S. entity that has a foreign owner must use the appropriate Form W-8.

## Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if item 1, 4, or 5 below indicates otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). In the case of a disregarded entity, the person identified on line 1 must sign. Exempt payees, see *Exempt payee code*, earlier.

**Signature requirements.** Complete the certification as indicated in items 1 through 5 below.

**1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983.** You must give your correct TIN, but you do not have to sign the certification.

**2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983.** You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

**3. Real estate transactions.** You must sign the certification. You may cross out item 2 of the certification.

**4. Other payments.** You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments made in settlement of payment card and third party network transactions, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

**5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), ABLE accounts (under section 529A), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions.** You must give your correct TIN, but you do not have to sign the certification.

**What Name and Number To Give the Requester**

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account) other than an account maintained by an FFI	The actual owner of the account or, if combined funds, the first individual on the account <sup>1</sup>
3. Two or more U.S. persons (joint account maintained by an FFI)	Each holder of the account
4. Custodial account of a minor (Uniform Gift to Minors Act)	The minor <sup>2</sup>
5. a. The usual revocable savings trust (grantor is also trustee) b. So-called trust account that is not a legal or valid trust under state law	The grantor-trustee <sup>1</sup> The actual owner <sup>1</sup>
6. Sole proprietorship or disregarded entity owned by an individual	The owner <sup>3</sup>
7. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulations section 1.671-4(b)(2)(i)(A))	The grantor <sup>*</sup>
For this type of account:	Give name and EIN of:
8. Disregarded entity not owned by an individual	The owner
9. A valid trust, estate, or pension trust	Legal entity <sup>4</sup>
10. Corporation or LLC electing corporate status on Form 8832 or Form 2553	The corporation
11. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
12. Partnership or multi-member LLC	The partnership
13. A broker or registered nominee	The broker or nominee

For this type of account:	Give name and EIN of:
14. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity
15. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1099 Filing Method 2 (see Regulations section 1.671-4(b)(2)(i)(B))	The trust

<sup>1</sup> List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

<sup>2</sup> Circle the minor's name and furnish the minor's SSN.

<sup>3</sup> You must show your individual name and you may also enter your business or DBA name on the "Business name/disregarded entity" name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

<sup>4</sup> List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules for partnerships*, earlier.

**\*Note:** The grantor also must provide a Form W-9 to trustee of trust.

**Note:** If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

**Secure Your Tax Records From Identity Theft**

Identity theft occurs when someone uses your personal information such as your name, SSN, or other identifying information, without your permission, to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- Protect your SSN,
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax preparer.

If your tax records are affected by identity theft and you receive a notice from the IRS, respond right away to the name and phone number printed on the IRS notice or letter.

If your tax records are not currently affected by identity theft but you think you are at risk due to a lost or stolen purse or wallet, questionable credit card activity or credit report, contact the IRS Identity Theft Hotline at 1-800-908-4490 or submit Form 14039.

For more information, see Pub. 5027, Identity Theft Information for Taxpayers.

Victims of identity theft who are experiencing economic harm or a systemic problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.

**Protect yourself from suspicious emails or phishing schemes.** Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.



The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to [phishing@irs.gov](mailto:phishing@irs.gov). You may also report misuse of the IRS name, logo, or other IRS property to the Treasury Inspector General for Tax Administration (TIGTA) at 1-800-366-4484. You can forward suspicious emails to the Federal Trade Commission at [spam@uce.gov](mailto:spam@uce.gov) or report them at [www.ftc.gov/complaint](http://www.ftc.gov/complaint). You can contact the FTC at [www.ftc.gov/idtheft](http://www.ftc.gov/idtheft) or 877-IDTHEFT (877-438-4338). If you have been the victim of identity theft, see [www.IdentityTheft.gov](http://www.IdentityTheft.gov) and Pub. 5027.

Visit [www.irs.gov/IdentityTheft](http://www.irs.gov/IdentityTheft) to learn more about identity theft and how to reduce your risk.

## Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons (including federal agencies) who are required to file information returns with the IRS to report interest, dividends, or certain other income paid to you; mortgage interest you paid; the acquisition or abandonment of secured property; the cancellation of debt; or contributions you made to an IRA, Archer MSA, or HSA. The person collecting this form uses the information on the form to file information returns with the IRS, reporting the above information. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, the District of Columbia, and U.S. commonwealths and possessions for use in administering their laws. The information also may be disclosed to other countries under a treaty, to federal and state agencies to enforce civil and criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. You must provide your TIN whether or not you are required to file a tax return. Under section 3406, payers must generally withhold a percentage of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to the payer. Certain penalties may also apply for providing false or fraudulent information.